



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/791,724	01/29/97	PRYOR	R 587.506/SD59

SANDIA NATIONAL LABORATORIES
PATENT AND LICENSING CENTER
P O BOX 5800 MS 0161
ALBUQUERQUE NM 87185-0161

LMS1/0119

EXAMINER

KEMPER, M

ART UNIT

PAPER NUMBER

2764

DATE MAILED: 01/19/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/791,724

Applicant(s)

Pryor et al.

Examiner

Kemper

Group Art Unit

2764

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11/2/98
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-8, 10-15 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8, 10-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-2
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 2764

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-8, 10-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 does not claim either pre-computer process activity or post-computer process activity or a practical application in the technological arts. For that matter, claim 1 is not considered part of the technological arts. Without falling into one of these categories, the claim is not considered statutory. For instance, the preamble merely sets forth the intended use or field of use of predicting a change in the economy and does not set forth a practical application in the technological arts. The steps of the claim relating to representing decision makers, initializing the internal state of each agent, and generating and routing messages are considered to be necessary antecedent steps to performance of the mathematical operation or determination of new values. Also, the outputting a representation of the change merely conveys the result of the operation.

While claim 2 does introduce the method into the technological arts, the claim still does not provide pre- or post- computer process activity or a practical application. The remainder of the dependent claims also do not provide pre- or post- computer process activity or a practical application but rather describe the mathematical process or determination or description of the input necessary for the determination.

Art Unit: 2764

Similarly, claim 10 is within the technological arts, but does not provide pre- or post-computer process activity or a practical application for predicting a change in an economy. Without falling into one of these categories, the claim is not considered statutory. For instance, the preamble merely sets forth the intended use or field of use of predicting a change in the economy and does not set forth a practical application in the technological arts. The steps of the claim relating to representing decision makers, initializing the internal state of each agent, and generating and routing messages are considered to be necessary antecedent steps to performance of the mathematical operation or determination of new values. Also, the outputting a representation of the change merely conveys the result of the operation. Similarly the dependent claims also do not provide pre- or post-computer process activity or a practical application but rather describe the mathematical process or determination or description of the input necessary for the determination.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Step b does not effectively reflect the use of the multiprocessor computer as step b currently claims each agent can be assigned to one (and only one) processor.

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2764

In view of the applicant's arguments with regard to the art rejection, the rejection has been withdrawn.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5357 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

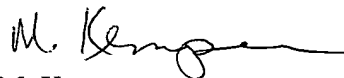
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Kemper, whose telephone number is 703-305-9589. The examiner can normally be reached on Monday-Thursday from 8:30-6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached at 703-305-9768.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-305-3900.

M. Kemper
January 15, 1999



M. Kemper
Primary Examiner
Art Unit 2764